

Not Relevant

From: Steven Callen <steven.callen@bayer.com>

Sent: Monday, March 7, 2022 1:02 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Jeffrey H Birk <jeffrey.birk@basf.com>; Dixon Monty USGR <monty.dixon@syngenta.com>; Janet Hou <janet.hou@basf.com>; John Erickson <john.r.erickson@basf.com>; McCaskill Amy USRS <Amy.McCaskill@syngenta.com>

Cc: Echeverria, Marietta <Echeverria.Marietta@epa.gov>; Schmid, Emily <Schmid.Emily@epa.gov>; Roe, Lindsay <Roe.Lindsay@epa.gov>; Rosenblatt, Daniel <Rosenblatt.Dan@epa.gov>; Meadows, Sarah <Meadows.Sarah@epa.gov>; John Sedivy <john.sedivy@basf.com>; Timothy A Mahl <timothy.mahl@basf.com>; George Sabbagh <george.sabbagh@bayer.com>; Thomas Orr <thomas.orr@bayer.com>; BCSReg_Archive <esepamailbox@bayer.com>

Subject: RE: [EXT] For Concurrence or Comment by Noon on Monday 3/7/22 - Dicamba Terms and Conditions

Good afternoon, Meg,

Attached is Bayer's response to the draft terms and conditions, but, as noted by Jeff, these were worked on jointly and so should be an identical copy from what Jeff provided.

BASF's additional comments below are similarly in-line with Bayer's perspective for XtendiMax. Notably, as indicated by Jeff, attempts at relabeling (previously draft Term 2) would result in a supply chain disruption for 2022. Rather, existing product that is in possession of the Registrants can be managed in the same manner that was proposed for existing product already in the channels of trade (Term 3) while helping to ensure appropriate labeling is in the possession of users for 2022.

Best regards,
Steven

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Monday, March 7, 2022 11:22 AM

To: Jeffrey H Birk <jeffrey.birk@basf.com>; Dixon Monty USGR <monty.dixon@syngenta.com>; Janet Hou <janet.hou@basf.com>; John Erickson <john.r.erickson@basf.com>; Steven Callen <steven.callen@bayer.com>; McCaskill Amy USRS <Amy.McCaskill@syngenta.com>

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<timothy.mahl@basf.com>

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Thank you, Jeff.

We will review your comments. Additionally, we appreciate the cross-company coordination.

Best regards,
Meg

Margaret Hathaway (Meg)
Senior Regulatory Specialist
U.S. Environmental Protection Agency
OCSPP: Office of Pesticide Programs
Registration Division – Herbicide Branch
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(202) 566-2730

From: Jeffrey H Birk <jeffrey.birk@basf.com>

Sent: Monday, March 7, 2022 12:19 PM

To: Hathaway, Margaret <Hathaway.Margaret@epa.gov>; Dixon Monty USGR <monty.dixon@syngenta.com>; Janet Hou <janet.hou@basf.com>; John Erickson <john.r.erickson@basf.com>; Steven Callen <steven.callen@bayer.com>; McCaskill Amy USRS <Amy.McCaskill@syngenta.com>

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Subject: RE: [EXT] For Concurrence or Comment by Noon on Monday 3/7/22 - Dicamba Terms and Conditions

Hello Meg,

BASF is providing a response to the draft terms and conditions letter that you provided on Friday. In order to make the process as efficient as possible, BASF, Bayer and Syngenta have coordinated our response, so you should be receiving identical proposals from all three registrants. A highlighted and clean copy are provided for your review.

I would however, like to provide a few comments regarding the changes that are being proposed:

- The integration of the new approved labeling for Engenia herbicide into Engenia production within 30-days after EPA approval will allow sufficient time for BASF to produce a new back panel label containing the required new language, which will serve as a bridge until new booklet labels can be produced and put into production later in 2022.
- Relabeling of BASF's Engenia inventory is not possible, and would require the stoppage of current

production until new container labeling could be produced and staged at manufacturing sites. This would result in an interruption of the continuous flow of Engenia inventory into the distribution channel that is necessary to meet the grower needs for 2022. This action would unnecessarily disadvantage growers in the other 32 Dicamba Tolerant Crop use states, because of IA and MN specific labeling. Furthermore current, transportation, labor and paper shortages make relabeling essentially impossible this late in the season.

- The fact that MN users have not yet begun training for the 2022 use season means that each user will receive the new MN specific labeling and training. Users in IA will also receive the IA specific labeling and training going forward and users in IA that have already been trained will be notified of the change in Use Directions and provided with access to the new IA specific labeling.
- Given that users in both MN and IA will receive direct information about the new labeled use requirements for Engenia herbicide in their respective states and that BASF's websites and required training going forward will incorporate the MN and IA specific changes will help to ensure that all Engenia users in the States of IA and MN will be informed and expected to comply with these new state specific use restrictions for the 2022 use season.

Thank you for your continued cooperation in this effort.

Jeff

Jeffrey Birk

Product Registration Manager

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We create chemistry

BASF Corporation

From: Hathaway, Margaret <Hathaway.Margaret@epa.gov>

Sent: Friday, March 4, 2022 12:16 PM

To: Dixon Monty USGR <monty.dixon@syngenta.com>; George Sabbagh <george.sabbagh@bayer.com>; Janet Hou <janet.hou@basf.com>; John Erickson <john.r.erickson@basf.com>; Jeffrey H Birk <jeffrey.birk@basf.com>; Steven Callen <steven.callen@bayer.com>; McCaskill Amy USRS <Amy.McCaskill@syngenta.com>

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Subject: [EXT] For Concurrence or Comment by Noon on Monday 3/7/22 - Dicamba Terms and

Conditions

Dear Dicamba Registrants:

As discussed in our 11am meeting today, the Agency requests concurrence or comment on the attached dicamba terms and conditions draft document by noon on Monday, March 7, 2022.

Best regards,

Margaret Hathaway (Meg)
Senior Regulatory Specialist
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OCSPP: Office of Pesticide Programs
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